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FROM

Name: Jean B. Fordis
Phone Number: 650-849-6600

Verified by: E. Nesbitt
Our File No.: 10577-0003-00000

MESSAGE

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that the attached paper,

1. Response to Restriction Requirement (3 pages)

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Elizabeth Nesbitt

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PATENT
Customer No. 22,852
Attorney Docket No. 10577.0003-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Shuji HINUMA et al.	Group Art Unit: 1647
Application No.: 10/537,676	Examiner: Elly Gerald STOICA
371 (c) Date: June 6, 2005	
I.A. Filing Date: December 11, 2003	Confirmation No.: 8346
For: NOVEL USE OF EDG RECEPTORS	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated May 14, 2007, the Examiner required restriction under 35 U.S.C. § 121 between:

Group I, claim 1, drawn to an agent containing an EDG receptor;

Group II, claims 2, 3, 6, and 7, drawn to an agent containing a polynucleotide coding for an EDG receptor;

Group III, claims 4 and 5, drawn to an agent containing an antibody to EDG receptor;

Group IV, claims 8-13, drawn to a method of screening for a binding modifier for EDG receptors;

Group V, claims 14-16, drawn to a prophylactic compound that modify the binding properties of the EDG receptor;

Group VI, claims 17 and 18, drawn to a method of screening for an expression level modulator for EDG receptors;

Group VII, claim 19, drawn to an expression level modulator for EDG receptors;

Group VIII, claim 20 (in part) drawn to a method of prevention of a disease comprising the use of a binding modifier for EDG receptors;

Group IX, claim 20 (in part), drawn to a method of prevention of a disease comprising the use of an expression level modulator for EDG receptors;

Group X, claim 21 (in part), drawn to a method of use of a binding modifier for EDG receptors; and

Group XI, claim 21 (in part), drawn to a method of use of an expression level modulator for EDG receptors.

Applicants provisionally elect to prosecute Group IV, claims 8-13, drawn to a method of screening for a binding modifier for EDG receptors, with traverse. The Examiner asserts that the groups "do not relate to a single general inventive concept," asserting that "EDG receptors are known in the art...so [as] they are not an advancement over the prior art." However, the inventors do provide a single general inventive concept that advances the art. Specifically, as set forth in the specification at page 1, line 31 to page 2, line 3, the inventors have found that human EDG-2, EDG-3, and EDG-5 receptors are over expressed in the kidney of the diabetic nephropathy model rat. Thus, these receptors find use in diabetic nephropathy, chronic renal failure, glomerulonephritis, interstitial renal disease, or renal edema. This discovery certainly advances the art on treatment of such disease status.

Further, the Examiner required an election of a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The claims are deemed to correspond to the following list of species:

EDG-2 Receptor (Seq. Id. No: 1) - Claims 1-7 (all in part), 8, 9, 14, 17-21 (all in part);

EDG-3 Receptor (Seq. Id. No: 5) - Claims 1-7 (all in part), 10, 11, 15, 17-21 (all in part); and

EDG-5 Receptor (Seq. Id. No: 9) - Claims 1-7 (all in part), 12, 13, 16, 17-21 (all in part).

Applicants provisionally elect to prosecute EDG-2 Receptor (Seq. Id. No: 1) - claims 1-7 (all in part), 8, 9, 14, 17-21 (all in part).

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: June 6, 2007

By: Jean B. Fordis
Jean B. Fordis
Reg. No. 32,984